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FM AMEMBASSY OTTAWA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 7993

INFO RUCNCCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY

RUEHBO/AMEMBASSY BOGOTA PRIORITY 1319

RUEHME/AMEMBASSY MEXICO PRIORITY 1840

RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 0160

RUEAORC/US CUSTOMS AND BORDER PROTECTION WASHINGTON DC PRIORITY

RHMFIUU/HQ USNORTHCOM PRIORITY

RUEADRO/HQ ICE DRO WASHINGTON DC PRIORITY

RUEAHLC/DEPT OF HOMELAND SECURITY WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 OTTAWA 000774

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: PREF PREL CO MX HA CA

SUBJECT: ASYLUM CLAIMS FROM THE AMERICAS

REF: OTTAWA 645

**¶1.** (SBU) Summary: Mexican citizens are now the largest single nationality claiming asylum in Canada, increasingly citing narco-violence instead of sexual discrimination. Haiti, Colombia, and the United States follow as source countries; the four countries account for 50% of asylum claims in Canada. Colombian and Haitian claimants are notably more successful than Mexicans, since many of the claims of drug-related persecution appear not to be credible.

An increasingly mobile Mexican middle class seeking opportunities elsewhere as well as loopholes in the U.S.-Canada Third Country Agreement present continued bilateral challenges. End summary.

THE MEXICAN/CANADIAN AXIS

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**¶2.** (SBU) According to Citizenship and Immigration Canada's (CIC) Asylum Policy Program, Canada since 2005 has seen more asylum claims from Mexican citizens than from any other nationality (reftel), receiving more than 7,000 Mexican claims in 2007 and an additional 2,400 claims in the first four months of 2008 alone, up from only 2,900 in 2004. Among 2008 claimants, approximately 53% applied at airports, 45% applied inland, and only 1% applied at a land border. CIC attributes the rise in Mexican asylum claims -- especially at airports -- to the growing Mexican middle class, which is able to fly to Canada in search of better economic opportunities. There are also increasing numbers of temporary foreign workers from Mexico in Canada, who often also seek to remain permanently.

**¶3.** (SBU) Discrimination based on sexual orientation had been the most common claim of applicants in 2005, but increasingly the claims cite risk of life, torture, or punishment due to drug-related violence. One Canadian psychiatrist described to poloff a sharp rise over the past two years in Mexican patients claiming post-traumatic stress disorder; virtually all cases appear spurious. Overall, Canada accepts only approximately 10% of Mexican applicants -- a low rate compared to applicants from other countries. The highest percent of successful claims is related to domestic violence -- usually involving women who say Mexican police have failed to protect them from abusive husbands, sometimes even assisting in the abuse. Canada's Immigration and Refugee Board (IRB), an independent administrative tribunal, sent a fact-finding mission to Mexico in November 2006 to determine the credibility of claims related to witnesses of crimes, public-sector corruption, domestic violence, and discrimination based on sexual orientation. In February 2007, researchers issued guidelines to help adjudicators determine the validity of claims, and the approval rates have

subsequently declined.

¶4. (SBU) Some Mexicans submit asylum claims when they first arrive in Canada, but withdraw them after they receive authorization to work or study; Mexicans also have the highest rate of abandonment of applications. The Safe Third Country Agreement does not apply to individuals already in Canada or those who arrive by air or water -- or if an applicant has a relative who is a Canadian citizen, permanent resident, or protected person, or, in some cases, who has a work or study permit.

¶5. (SBU) According to the Mexican Embassy, the Mexican government believes that Canada's acceptance rate of Mexican asylum seekers is "unreasonably high," and that the vast majority of claims are not credible.

AND THEN HAITI AND COLOMBIA

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¶6. (SBU) Haiti is the second largest source of asylum claims in Canada. Haitians, who are protected by a moratorium on deportations from Canada and thus also are not subject to the Safe Third Country Agreement, submitted 3,713 asylum claims in Canada in 2007. During the first four months of 2008, an additional 1,371 Haitians submitted asylum claims, of whom 93% arrived via the U.S. Virtually all Haitians claiming asylum in Canada have lived in the U.S. for a number of years and have relatively high socio-economic status. Canada accepts approximately 40% of Haitian asylum claims.

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¶7. (SBU) Colombia is Canada's third largest source of asylum claims. Canada accepted 1,013 claims in the first four months of 2008, of whom 55% submitted inland and 42% at a land border. Asylum claims from Colombia have risen 91% in the first five months of 2008, compared with the first five months of 2007. Canada approves a relatively high percent of Colombian asylum claimants -- approximately 60%. Colombian asylum-seekers range from low-level workers employed by drug cartels, to upper-class Colombians. The majority of cases involve claims related to narco-violence and instability. According to the Colombian Embassy, most claimants come from conflict zones and include former military, para-militaries, and individuals fleeing violence. The Colombian government accepts that many have a legitimate fear of persecution, while believing that most could probably find a region of Colombia where they would not be in harm's way. Some in the 44,000-person Colombian community in Canada have recently begun to return to Colombia as the violence abates, leading the Colombian Embassy to predict that the Canadian government will be more restrictive with claimants in the future.

EVEN FROM THE U.S.

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¶8. (SBU) Asylum seekers from the U.S. are also on the rise in Canada, representing the fourth highest source of claims. Nearly 1,000 U.S. citizens filed asylum claims in Canada in 2007, and 794 more have submitted claims during the first four months of 2008. The majority of American claimants were children of parents who had been living in the U.S. illegally, and eventually decided to claim asylum in Canada, along with their children. The majority of these families were originally from Haiti or Colombia, so some of the statistics might double-count them. While Canada initially classifies the U.S. citizen children as U.S. claimants, later in the adjudication process it groups family members together in one case, rendering it impossible to calculate the exact percent of purely U.S. claims. The IRB, however, estimated that Canada approves approximately only 5% of U.S. citizen asylum claims. About 40 claims have come from U.S. soldiers fleeing the Iraq war, but Canada had not approved any, and the Canadian Supreme Court recently rejected deserters'

claims to asylum.

COMMENT

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¶9. (SBU) The cross-border travel of many of these claimants highlights the need for continued close coordination between the U.S. and Canada on these policies -- as well as some notable loopholes in the Safe Third Agreement -- as continued challenges to both governments seeking to help legitimate claimants while stopping bogus asylum shoppers.

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